

**From:** Lloyd Sample  
**Sent:** Monday, October 12, 2015 10:27 AM  
**To:** CEQA Guidelines  
**Subject:** Proposed Changes to CEQA Guidelines Regarding Paleontological Resources

Dear Mr. Calfee:

I would like to address proposed changes to the CEQA Checklist. It is my opinion that the changes to Paleontological resources provided in the Proposed Updates to the CEQA Guidelines is not adequate to protect rare and important paleontological resources in the State of California. As stated, "AB 52 requires an update to Appendix G to separate the consideration of paleontological resources from tribal cultural resources and update the relevant sample questions and add consideration of tribal cultural resources with relevant sample questions." Specific to this, I suggest that while removing paleontological resources from Section V. Cultural Resources is reasonable and necessary; moving paleontological resources to "Landscapes" is not. Since most archaeological resources are found at or near the surface, open space could perhaps contribute to their preservation, but since most paleontological resources are found in the subsurface, leaving open space is not likely to significantly contribute to the preservation of fossils. However, not considering potential impacts to fossils underlying lands proposed for development will have a huge impact.

Rather than as proposed, paleontological resource should have its own section following Section V. Cultural Resources and be included in the Guidelines as Section VI. Paleontological Resources, between V. Cultural and in front of newly numbered Section VII. ENERGY, as follows.

#### V. Cultural Resources

c) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074? Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

VI. Would the project adversely affect unique paleontological resources or site?

a. or unique geologic feature?

VII. ENERGY – Would the project:

#### Questions for Reviewers

As indicated above, OPR sees these proposed changes to Appendix G as a conversation starter. To that end, OPR asks that reviewers consider several questions regarding the proposal, including:

1. Will any of the proposed revisions raise any concerns about practical application?  
Yes, by including the revisions for paleontology as they stand in Proposed Updates to the CEQA Guidelines August 11, 2015, paleontological resources will be destroyed by developers without any chance to recover and preserve rare and unique California paleontological resources.
2. Are there revisions (that are consistent with CEQA and the cases interpreting it) that you think would lead to a more efficient process? Or better substantive outcomes?

Yes, CEQA has protected paleontological resources under Cultural Resources section for many years. Due to AB 52 requiring an updated Appendix G, separating the consideration of paleontological resources from tribal cultural resources, paleontology will now require its own section in the CEQA Guidelines to adequately address potential significant impacts for projects which are not in "Open Space".

In the following I have included typical Mitigation Measures developed under current CEQA Guidelines for residential housing, transportation, utilities, retail, /office space, and reuse development that is required by the project geologist to excavate soils/bedrock beyond previously disturbed natural sediments.

- Prior to any ground disturbing activities, a review of the project should take place to develop a project-area specific monitoring program that will ensure paleontological resources are protected during project construction.
- Monitoring for paleontological resources will be conducted during ground disturbing activities in undisturbed sediments having been assessed to have the potential to yield rare and important paleontological resources.
- If resources are encountered during construction, the Paleontologist shall have the ability to temporarily halt and re-direct work activities away from the vicinity of the find. No construction activity will be allowed in the immediate area of the discovery until the paleontologist has had the opportunity to evaluate the potential significance of the discovery.
- At the conclusion of monitoring, a monitoring report for paleontological resource monitoring will be prepared. The reports will discuss the results of monitoring efforts and will detail any discoveries made during monitoring. A copy of the monitoring report, along with any material collected will be deposited in a suitable repository meeting the requirements of the Lead Agency. The Lead Agency shall also receive a copy of the monitoring reports.